

12-19-01 2632 41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
**WRIGHT ET AL.**

Serial No. **09/976,647**

Filed: **October 11, 2001**

Confirmation No. **2560**

For: **WIRELESS, GROUND LINK-BASED  
AIRCRAFT DATA COMMUNICATION  
SYSTEM WITH ROAMING FEATURE**

)  
)  
) Examiner: D. Crosland

)  
)  
) Art Unit: 2632

**RECEIVED**

**DEC 20 2004**

**Technology Center 2600**

**SUPPLEMENTAL SUBMISSION OF INFORMATION**

**VIA EXPRESS MAIL**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit a newly received document under its continuing responsibility under 37 CFR 1.565(a), to apprise the U.S. Patent and Trademark Office of any litigation activity, or other prior or concurrent proceeding throughout the course of this reexamination proceeding.

Applicants submit the Written Decision of the Technical Board of Appeal concerning the hearing of 20 July 2004, regarding the appeal of the decision of the Opposition Division of the European Patent Office posted 31 March 2003 revoking European Patent No. 0774724, pursuant to Article 102(1) EPC.

Most notably, Applicants desire to stress to the Examiner that the Technical Board held the claims patentable over reference C2, i.e., U.S. Patent No. 5,445,347 to Ng. The Board stated on page 32:

In re Patent Application of:

**WRIGHT ET AL.**

Serial No. **09/976,647**

Filed: **10/11/01**

---

"Hence, the application to aircraft monitoring system is not sufficiently described in C2 to make the subject matter claimed in the patent in suit directly and unambiguously derivable for a skilled person. Consequently, the Board does not consider the claimed subject matter as anticipated by the prior art disclosed in C2."

The Technical Board also found the claims patentable over C0 and/or C1, i.e., U.S. Patent No. 5,359,446 to Johnson et al., and U.S. Patent No. 4,729,102 to Miller, Jr. et al.

Applicants note that the Technical Board considered more relevant the Airline Electronic Engineering Committee (AEEC) Letter 91-079/DLK-391, April 5, 1991, which had been cited by Applicants and not used in any rejection by the Examiner.

If the Examiner has any questions concerning this submission of information, the undersigned attorney would appreciate a telephone call.

**I HEREBY CERTIFY THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE U.S. POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE"  
SERVICE UNDER 37 CFR 1.10 ON THE DATE  
INDICATED BELOW AND IS ADDRESSED TO:**

**COMMISSIONER FOR PATENTS, P. O. BOX 1450,  
ALEXANDRIA, VA 22313-1450.**

**EXPRESS MAIL NO:** EV 302658779 US

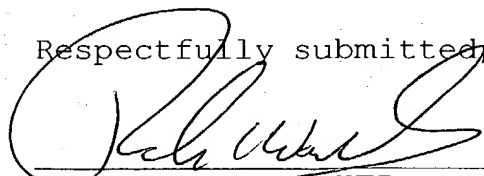
**DATE OF DEPOSIT:** December 13, 2004

**NAME:** Julie Lalan

**SIGNATURE:**

*Julie Lalan*

Respectfully submitted,



**RICHARD K. WARTHER**

Reg. No. 32,180

Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.

255 S. Orange Ave., Suite 1401

Post Office Box 3791

Orlando, Florida 32802

Phone: 407-841-2330